

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 16-02129-SJO (RAOx) Date: January 25, 2017
Title: Cory Spencer, et al. v. Lunada Bay Boys, et al.

Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

Gay Roberson
Deputy Clerk

CS- 01/26/2017
Court Reporter / Recorder

Attorneys Present for Plaintiff(s):

Victor J. Otten

Attorneys Present for Defendant(s):

John Peter Worgul
Robert Scott Cooper
Tera A. Lutz
Mark Fields

Proceedings: (In Chambers) **ORDER RE: DEFENDANT BLAKEMAN’S MOTION TO COMPEL DISCOVERY RESPONSES [150] AND PLAINTIFFS’ MOTION TO COMPEL PRODUCTION BY DEFENDANT BLAKEMAN [183]**

Before the Court are Defendant Brant Blakeman’s (“Defendant’s”) Motion to Compel Discovery Responses (Dkt. No. 150) and Plaintiffs Cory Spencer, Diana Milena Reed and Coastal Protection Rangers, Inc.’s (“Plaintiffs”) Motion to Compel Production by Defendant Blakeman (Dkt. No. 183). The Court held a hearing for both motions on January 25, 2017.

I. Defendant Blakeman’s Motion to Compel Discovery Responses

For the reasons stated on the record, Defendant’s Motion to Compel Discovery Responses is GRANTED-IN-PART and DENIED-IN-PART.

A. Interrogatory Nos. 1 through 12

Plaintiffs are ordered to identify witnesses in response to Interrogatory Numbers 1 through 12. For each interrogatory, Plaintiffs shall identify the responsive witnesses by name. For each witness, Plaintiffs shall specify whether that witness is represented by Plaintiffs’ counsel, or, if Plaintiffs know, by other counsel. For each witness, Plaintiffs shall provide contact information for that witness or state unambiguously that Plaintiffs do not have contact information for that witness.

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Defendant's motion is denied at this time to the extent it requests further responses to the interrogatories beyond what the Court has provided in this order.

B. Document Request Nos. 1 through 9¹

Plaintiffs are ordered to produce all responsive documents in their possession, custody or control to Document Requests Nos. 1 through 9 by **February 24, 2017**. Also by February 24, 2017, for each request, Plaintiffs shall provide bates number ranges or otherwise identify with particularity the documents that are responsive to that request, including any documents that may have already been produced to Defendant. For each request, if Plaintiffs are withholding any responsive documents, Plaintiffs shall assert the objections pursuant to which Plaintiffs are withholding those documents. Plaintiffs shall provide a privilege log for any documents they are withholding based on privilege. Plaintiffs shall serve their supplemental responses to the interrogatories and document requests electronically.²

II. Plaintiffs' Motion to Compel Production by Defendant Blakeman

For the reasons stated on the record, Plaintiffs' Motion to Compel Production by Defendant Blakeman is GRANTED-IN-PART and DENIED-IN-PART.

A. Document Request Nos. 1, 2, 8 and 9

Counsel for Defendant stated at the hearing that all responsive documents, if any, have been produced with respect to these four requests. The Court therefore DENIES as MOOT Plaintiffs' motion as to these four requests.

¹ Defendant did not move to compel further responses to Document Request Nos. 10 through 12. The Court notes that Plaintiffs responded that they are not presently aware of any responsive documents in their possession, custody or control with respect to these three requests.

² To the extent there are issues with producing responses or documents electronically by February 24, 2017, Plaintiffs shall timely inform Defendant's counsel.

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B. Document Request Nos. 12, 13, 39 and 40

Defendant is ordered to produce all responsive documents from December 2013 to the present with respect to these four requests pursuant to the following procedure.³ By **February 3, 2017**, the parties are ordered to meet and confer regarding: (1) selection of a third-party forensic examiner or expert; (2) a review protocol that includes the procedure that the third-party forensic expert will follow in conducting its work, the procedure and timeline for Defendant to review the videos for responsiveness and privilege, and the procedure and timeline for responsive videos to be produced to Plaintiffs; and (3) a protective order.

By **February 24, 2017**, the parties are ordered to submit a joint proposed order that includes the identity of the third-party forensic expert that the parties agreed upon and the review protocol. Also by February 24, 2017, the parties are ordered to submit a joint proposed protective order. If the parties cannot agree on either the proposed order or the protective order, each party shall submit their own proposed version of each for the Court to review.

Plaintiffs' motion is denied at this time to the extent it requests responsive documents prior to December 2013.

All parties' requests for sanctions for both motions are denied.

The parties are directed to meet and confer in good faith to attempt to resolve any further discovery disputes. If the parties are unable to reach a resolution about any disputes, they are directed to contact the Court's Courtroom Deputy Clerk to schedule a telephonic conference.

IT IS SO ORDERED.

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³ Plaintiffs have agreed to limit the geographic scope of these requests, as stated in Plaintiffs' counsel's December 13, 2016 email. (See Joint Stip. at 23, Ex. 1-o.)